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RUEHAR/AMEMBASSY ACCRA 2387
RUEHDS/AMEMBASSY ADDIS ABABA 2507
RUEHRL/AMEMBASSY BERLIN 1011
RUEHBY/AMEMBASSY CANBERRA 1783
RUEHDK/AMEMBASSY DAKAR 2138
RUEHKM/AMEMBASSY KAMPALA 2563
RUEHNR/AMEMBASSY NAIROBI 4991
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RHEFDIA/DIA WASHDC
RUEHGV/USMISSION GENEVA 1656
RHEHAAA/NSC WASHDC

UNCLAS SECTION 01 OF 02 HARARE 000970

SENSITIVE
SIPDIS

AF/S FOR B. WALCH
DRL FOR N. WILETT
ADDIS ABABA FOR USAU
ADDIS ABABA FOR ACSS
STATE PASS TO USAID FOR E. LOKEN AND L. DOBBINS
STATE PASS TO NSC FOR SENIOR AFRICA DIRECTOR B. PITTMAN

E.O. 12958: N/A
TAGS: [PGOV](#) [PREL](#) [ASEC](#) [PHUM](#) [ZI](#)
SUBJECT: CIVIL SOCIETY WARNS OF FLAWED CONSTITUTIONAL
PROCESS

SUMMARY

¶1. (SBU) In an October 24 conversation with poloff, Lovemore Madhuku, chairman of the National Constitutional Assembly condemned the constitutional drafting and adoption process laid out in the September 15 signed power-sharing agreement. He charged that the intended constitutional process does not allow for sufficient participation by civil society organizations and ordinary Zimbabweans, and warned that ZANU-PF has a constitutional history of pretending to engage stakeholders, while ultimately drafting what meets their needs. END SUMMARY.

Beware, Says Madhuku

¶2. (SBU) Lovemore Madhuku was highly critical of the degree of civil society participation in the drafting of a new constitution, as stipulated in the September 15 power-sharing agreement. He said that the proposed process is government dominated. Specifically, the "Select Committee of Parliament" responsible for creating subcommittees, holding public hearings, convening a stakeholder conference, and drafting the document, will not include civil society members. Civil society will only be represented through the subcommittee, where they will be chosen by parliamentarians.

¶3. (SBU) According to the schedule agreed upon by ZANU-PF and the MDC, following the stakeholder conference and before the draft constitution is put to a national referendum, the draft will be debated in Parliament. Madhuku warned that during this debate, the draft is certain to be amended. He cited the 1999 constitutional drafting process as an example of ZANU-PF-led duplicity. Responding to calls for constitutional reform, President Mugabe appointed a

constitutional committee in 1999 to produce a draft. That committee consisted of 400 commissioners, nearly all of whom were handpicked by Mugabe and were members or supporters of ZANU-PF. According to Madhuku, the committee completely changed the context of the goals of constitutional reform and produced a draft that sought to strengthen the presidency. (NOTE: To the surprise of Mugabe and ZANU-PF, that constitution was rejected in a nationwide referendum, as voters revealed their waning confidence in government. END NOTE.)

¶4. (SBU) Madhuku also cited the draft constitution produced in Kariba on September 20, 2007 as additional evidence of the lack of civil society or public involvement. The Kariba draft constitution was coauthored by four MDC and ZANU-PF representatives as part of the negotiations leading up to the harmonized presidential and parliamentary elections last March. According to Madhuku, the draft was written without any external input. "They just wrote it. Even within their parties there were no discussions." Madhuku now expects that any new constitution would use the Kariba draft as a baseline document. Indeed, the Kariba draft was cited in the power-sharing agreement and attached as an appendix.

COMMENT

¶5. (SBU) Madhuku, who represents the feeling of many civil society leaders and activists, has long been a critic of

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ZANU-PF. More recently he has been frustrated by what he feels is insufficient involvement of civil society by the MDC. This is driving his call for public demonstrations as an alternative means of effecting the constitutional process.
END COMMENT.

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